IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10453 OF 2004

Dada Ramji Kale & Ors. ..Petitioners.

Vs.

Shamabi Hasan Shaikh ..Respondent.

....

Mr.P.N.Joshi for the Petitioners.

CORAM : DR.D.Y.CHANDRACHUD, J.

29th April, 2005.

P.C. :

The Additional District Judge, Nashik has by his order dated 25th June, 2004 continued the interim order dated 25th May, 2002 pending the disposal of the appeal. The interference of the Court at this stage is not warranted. However, counsel for the Petitioners submits that having regard to the fact that the interim order which is impugned herein has the effect of staying the execution proceedings in Special Civil Suit 26 of 1949 which was decreed as far back as in October 1950, it would be appropriate if the appeal itself

is heard and finally disposed of expeditiously. This request is fair and proper. The Petition is accordingly disposed of by directing the Additional District Judge, Nashik to set down Civil Appeal 300 of 2002 for expeditious disposal. The Learned Additional District Judge shall endeavour to dispose of the appeal preferably by the end of December, 2005.